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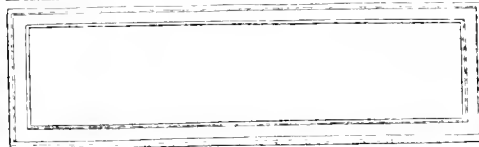
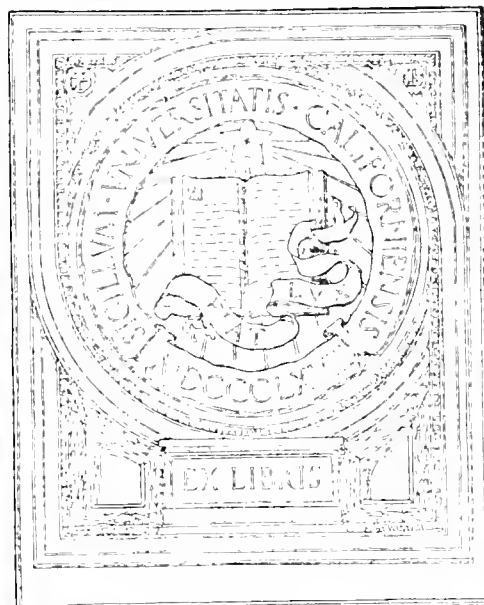
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THE CONSTITUTION OF SWITZERLAND

Translated by

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THE CONSTITUTION OF SWITZERLAND

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POLITICAL SCIENCE 1B

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# SWITZERLAND<sup>1</sup>

In the Name of Almighty God!

The Swiss Confederation.

Wishing to strengthen the alliance of the Confederates, to maintain and increase the unity, power and honor of the Swiss nation, has adopted the following federal constitution:

## FEDERAL CONSTITUTION OF THE SWISS CONFEDERATION

### Chapter I

#### General Provisions

*Swiss* 1. The peoples of the twenty-two sovereign cantons of Switzerland united by the present alliance, that is to say: Zurich, Bern, Lucerne, Uri, Schwyz, Unterwalden (Upper and Lower), Glaris, Zug, Freiburg, Soleure, Basel (Urban and Rural), Schaffhausen, Appenzell (the two Rhodes), Saint Gall, Grisons, Aargau, Thurgau, Ticino, Vaud, Valais, Neuchatel, and Geneva, form together the Swiss Confederation.

2. The Confederation has as its object to assure the independence of the country against foreign aggression, to maintain domestic order and tranquility, to protect the liberty and rights of the Confederates and to increase their common prosperity.

3. The cantons are sovereign in so far as their sovereignty is not limited by the federal constitution, and, as such, they exercise all the powers which are not delegated to the federal government.

4. All Swiss are equal before the law. In Switzerland there are neither subjects, nor privileges of place, birth, person, or family.

5. The Confederation guarantees to the cantons their territory, their sovereignty within the limits fixed by Art. 3, their constitutions, the liberty and rights of the people, the constitutional rights of citizens, as well as the rights and powers which the people have conferred on their authorities.

6. The cantons must demand of the Confederation the guaranty of their constitutions.

This guaranty is granted, provided: a. That these constitutions

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1 This translation has been made from the French text contained in Dareste, F.R. - Constitutions Modernes (edition of 1910), and Lowell-Government and Parties of Continental Europe. Valuable assistance has been derived from Dodd, W.F. - Modern Constitutions, and the translation by Hart, Albert Bushnell, in Vincent, J.M. - Government in Switzerland.



contain nothing contrary to the provisions of the federal constitution; b. that they assure the exercise of political rights according to republican forms, representative or democratic; c. that they have been accepted by the people and that they can be amended whenever an absolute majority of the citizens demand it.

7. All separate alliances and all treaties of a political nature between cantons are forbidden. On the other hand, the cantons may make treaties among themselves relating to legislation, administration or justice; nevertheless, they must bring them to the attention of the federal government, which, if these treaties contain anything adverse to the confederation or the rights of other cantons, is authorized to prevent their execution. In the opposite case the cantons have the right to demand the cooperation of the federal authorities in their execution.

8. The Confederation alone has the right of declaring war and concluding peace, as well as making alliances and treaties with foreign states, especially tariff and commercial treaties.

9. As an exception, the cantons preserve the right of concluding treaties with foreign states concerning the administration of public property, and border and police relations; nevertheless these treaties must not contain anything adverse to the Confederation or to the rights of the other cantons.

10. Official relations between the cantons and foreign governments or their representatives may take place only through the Federal Council. Nevertheless, the cantons may correspond directly with the inferior authorities and officers of a foreign state relative to the objects mentioned in the preceding article.

11. No military capitulations<sup>1</sup> shall be made.

12. Members of the federal departments of government, civil and military officers of the Confederation, and federal representatives or commissioners, shall not receive from a foreign government, pensions, salaries, titles, gifts or decorations. If they are already in possession of pensions, titles or decorations, they must renounce enjoying their pensions or using their titles and their decorations during their term of office. Nevertheless, inferior officers may be authorized by the Federal Council to receive their pensions. No decoration or title granted by a foreign government may be worn in the federal army. Every officer, non-commissioned officer or soldier is forbidden to accept distinctions of this sort.

13. The Confederation shall not maintain a standing army.

No canton or half-canton may have a standing army of more than three hundred men without the authorization of the federal government; the gendarmerie<sup>2</sup> is not included in this number.

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<sup>1</sup> Treaties by which Swiss military forces were employed in the service of foreign states. Swiss mercenaries were at one time to be found in the standing armies of many countries.

<sup>2</sup> A cantonal as distinguished from a local police force. They are used in maintaining order, etc.





14. In differences arising between cantons, they shall abstain from direct action and from arming themselves. They shall submit to the decision which shall be reached on the dispute in accordance with federal regulations.

15. In case of sudden danger from outside, the government of the canton threatened must request the aid of the confederated states and notify immediately the federal government, all without prejudice to the measures which it (confederation) may take. The cantons requested are bound to give aid. The expenses are borne by the confederation.

16. In case of internal disorder, or when the danger proceeds from another canton, the government of the canton threatened must immediately notify the Federal Council, in order that it may take necessary measures within the limits of its power (Article 102, Secs. 3, 10, 11) or summon the Federal Assembly. When there is urgent necessity, the government is authorized, while giving immediate notice to the Federal Council, to request the assistance of other cantons which must grant it. When the government is not in a condition to invoke assistance, the competent federal authority may intervene without requisition; it is bound to do so when the disturbance compromises the safety of Switzerland. In case of intervention, the federal authorities shall see to it that the provisions prescribed in Article 5 are observed. The expense shall be borne by the canton which has requested the assistance or occasioned the intervention, unless the Federal Assembly, on account of particular circumstances, decides otherwise.

17. In the cases mentioned in the preceding articles, each canton shall grant free passage for troops. These troops shall immediately be placed under federal command.

18. Military service is required of every Swiss. Soldiers, who, by reason of federal service, lose their lives, or have their health permanently impaired, shall be entitled to aid from the confederation, for themselves or their families if they are in need of it. Each soldier shall receive gratuitously his first arms, equipment and clothing. The weapon shall remain in the hands of the soldier on conditions to be fixed by federal legislation. The confederation shall enact uniform provisions as to the tax on exemption from military service.

19. The federal army shall be composed: a. Corps of cantonal troops; b. of all Swiss, who, not belonging to these bodies, are nevertheless liable to military service. The control of the army, as well as of the war material provided by law, shall belong to the confederation. In case of danger, the confederation also shall have exclusive and direct control of the men not incorporated in the federal army, and of all other military resources of the cantons. The cantons shall have control of the military forces of their territory so far as this right is not limited by the constitution or federal laws.

20. Laws on the organization of the army shall emanate from the confederation. Military laws shall be enforced in the cantons by the cantonal authorities, within the limits which shall be fixed by federal legislation and under the supervision of the confederation.



Military instruction shall belong altogether to the confederation; this likewise applies to armament.

The furnishing and maintenance of clothing and equipment shall remain within the competence of the cantons; nevertheless, the expenses which result shall be made good to the cantons by the confederation in accordance with a rule to be established by federal legislation.

21. Unless military considerations prevent, corps must be formed of troops from the same canton. The composition of these corps of troops, the maintenance of their effective strength, the appointment and promotion of their officers shall belong to the cantons, subject to general rules which shall be transmitted to them by the confederation.

22. Upon the payment of a just indemnity, the confederation shall have the right to make use of or acquire drill-grounds and buildings intended for military purposes, situated in the cantons, together with their appurtenances. The terms of the indemnity shall be determined by federal legislation.

23. The confederation may construct at its expense or encourage by subsidies public works which concern Switzerland or a considerable part of the country.

To this end it may order the taking of private property upon the payment of a just indemnity. Federal legislation shall establish further regulations on this subject. The federal assembly may forbid public works prejudicial to the military interests of the confederation.

24. The confederation shall exercise supervision over the dike and forest police<sup>1</sup>. It shall cooperate in the correction of the channels and the diking of torrents, as well as the reforestation of the regions in which they rise. It shall enact the measures necessary to assure the maintenance of these works and the conservation of existing forests.

24 (2). The use of water powers shall be subject to the supervision of the confederation. Federal legislation shall enact the general provisions necessary to safeguard the interests of the public and to assure the rational use of water powers. These provisions shall take account, as far as possible, of the interests of internal navigation. Subject to these provisions, the regulation of the use of water powers shall belong to the cantons. Nevertheless, when a portion of a stream, the use of which is demanded in order to create a water power, rises within the jurisdiction of several cantons, and when there is no agreement between these cantons touching a common concession, it shall belong to the confederation to grant the concession. This is equally its right, after hearing the interested cantons, when the stream in question forms the boundary of the country. The fees and rents for the use of water powers shall belong to the cantons or to those having the right according to cantonal legislation. The confederation shall fix, after hearing the interested cantons, and taking just account of their legislation, the fees and rents due for the concessions which it grants. The cantons shall

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1 By amendment, adopted July 11, 1897, the words "in the high regions" (regions elevees), which had previously formed part of the text, were omitted.

2 Adopted by vote of the people, October 25, 1908.



determine, within the limits established by federal legislation, the fees and rents to be paid for other concessions. Electric energy produced by water power shall be sold abroad only with the authorization of the confederation. From the taking effect of this article, reservation shall be made in all new water power concessions for future federal legislation. The confederation shall have the power of making laws governing the transportation and distribution of electric energy.

25. The confederation may make laws for the regulation of fishing and hunting, chiefly with a view to the preservation of big game in the mountains and birds useful to agriculture and forestry.

25 (2).<sup>1</sup> The butchering of animals without having previously stunned them is strictly forbidden; this provision applies to every method of slaughter and to every species of animal.

26. Legislation upon the construction and operation of railroads shall be within the jurisdiction of the confederation.

27. The confederation may establish, besides the existing polytechnic school, a federal university and other institutions of higher education, or subsidize institutions of this character. The cantons shall provide for primary education, which must be sufficient and placed exclusively under the direction of the civil authorities. It shall be compulsory, and, in the public schools, free. The public schools must be so conducted that they may be attended by adherents of all faiths without their having to suffer in any wise in their liberty of conscience or belief. The confederation shall take necessary measures against the cantons which do not satisfy these obligations.

27 (2).<sup>2</sup> Subventions shall be allotted to the cantons to aid them in fulfilling their obligations in the domain of primary education. The execution of this provision is regulated by law. The organization, direction and supervision of the primary schools shall remain within the competence of the cantons, subject to the provisions of Article 27 of the federal constitution.

28. Matters concerning the customs shall belong to the confederation. It may levy duties on imports and exports.

29. The levying of federal customs duties shall be governed by the following principles:- 1. Duties on imports: a. Materials necessary to the industry and agriculture of the country shall be taxed at as low a rate as possible. b. It shall be the same with the necessities of life. c. Luxuries shall be subject to the highest duties. - Except in the face of serious obstacles, these principles must also be observed in making treaties of commerce with foreign countries.- 2. The duties on exports shall be as moderate as possible. 3. The customs laws shall contain suitable provisions for the protection of frontier commerce and on markets.- The above provisions shall not prevent the confederation from taking temporarily exceptional measures in extraordinary circumstances.

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1 Added by popular vote of the 20th of August, 1893. This measure was aimed at the Jews.

<sup>2</sup> Adopted by vote of the people November 23, 1902.



30. The proceeds of customs duties shall belong to the confederation. The indemnities hitherto paid to the cantons in lieu of customs, road and bridge tolls, market fees, and other like dues, are abolished. The cantons of Uri, Grisons, Ticino and Valais shall receive, by exception and by reason of their international Alpine roads, an annual indemnity, the amount of which, considering all the circumstances, is fixed as follows: Uri 80,000 francs, Grisons 200,000 francs, Ticino 200,000 francs, Valais 50,000 francs. The cantons of Uri and Ticino shall receive besides, for clearing the snow from the Saint Gothard road, an annual indemnity of 40,000 francs, until this road is replaced by a railroad.

31. Freedom of commerce and industry is guaranteed throughout the confederation. The following subjects are excepted: a. The salt and gun-powder monopoly, the federal customs, import duties on wines and other spirituous drinks, and other taxes on consumption formally recognized by the confederation as provided in Article 32. b.<sup>1</sup> The manufacture and sale of distilled liquors, in conformity with Articles 32(2) and 32(3). c. Everything which concerns inns and the retail trade in spirituous liquors, to the extent that the cantons have the right to subject by law the trade of innkeepers and the retail trade in spirituous liquors to the restrictions required by the public welfare. d.<sup>2</sup> Sanitary policy measures destined to combat transmissible maladies, those which are widespread and those especially dangerous to man and beast. e. Provisions relative to the practice of commercial and industrial pursuits, the taxes attached to them, and the police of roads. These provisions may contain nothing contrary to the principle of the freedom of commerce and industry.

32. The cantons are authorized to collect import duties on wines and other spirituous liquors provided in Article 31 a, under the following restrictions:- a. The collection of these duties must in no wise impede transportation; it must obstruct commerce, which may be burdened with no other tax, as little as possible; b. if the objects imported for consumption are re-exported from the canton, the import duties paid shall be restored without involving other charges; c. products of Swiss origin shall be taxed at a lower rate than those of foreign countries; d. the present import duties on wines and other spirituous liquors shall not be increased by the cantons where they already exist. They shall not be established on these products by cantons which do not now levy them; e. the laws and ordinances of the cantons on the collection of import duties shall, before being put into execution, be submitted to the approval of the federal government, in order that it may, in case of need, cause the preceding provisions to be observed. All import duties now collected by the cantons as well as the analogous duties collected by the communes must be abolished, without compensation at the close of the year 1890.

32 (2).<sup>3</sup> The confederation may establish by law regulations for the manufacture and sale of distilled liquors. These regulations must not impose a tax on products which are exported or which have undergone a treatment rendering them unsuitable for beverages. Distillation of wine, of fruits of any kind, and their by-products, of gertian roots, juniper berries and other

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1 Exceptions b and c were added October 25, 1885. Exception b was modified in 1908.

2 Modified by vote of the people May 4, 1913, American Bar Association Journal 1914, p. 191.

3 Added by popular vote of October 25, 1885.





similar materials, is excepted from the federal regulations relating to manufacture and taxation. After the abolition of the import duties on spirituous liquors mentioned in Article 32 of the federal constitution, the trade in undistilled alcoholic liquors shall be subjected by the cantons to no special tax, nor to other restrictions than those which are necessary to protect the consumer against adulterated or noxious drinks. Nevertheless, the powers given to the cantons by Article 31, relative to the conduct of inns and the retail sale of quantities less than two litres, shall be retained. The net receipts from the taxes on the sale of distilled liquors shall belong to the cantons in which these taxes are collected. The net receipts of the confederation from domestic distillation, and from the corresponding increase in the import duties on foreign distilled liquors shall be divided among the cantons according to their actual population as determined by the most recent federal census. The cantons are required to employ at least ten percent of these receipts in combating the causes and effects of alcoholism.

32 (3).<sup>1</sup> The manufacture, importation, sale, and keeping for sale of the liqueur called absinthe are forbidden throughout the confederation. This prohibition extends to all drinks which, under any name whatsoever, are an imitation of absinthe. Exception is made of transportation through the country and of the employment of absinthe for pharmaceutical purposes. The above prohibition shall go into force two years after its adoption. Federal legislation shall determine the provisions necessary to carry out this prohibition. The confederation shall have the right to make by law the same prohibition with regard to all other drinks containing absinthe which shall constitute a public danger.

33. The cantons may require evidence of the capacity of those who wish to practice the liberal professions. Federal legislation shall provide for such persons obtaining certificates of capacity good throughout the confederation.

34. The confederation has the right to establish uniform rules relating to the labor of children in factories, the hours of labor which may be required of adults, as well as the protection to be accorded to workmen in unhealthy and dangerous industries. The operation of emigration agencies and insurance enterprises not instituted by the state shall be subject to federal supervision and legislation.

34 (2).<sup>2</sup> The confederation shall provide by law for insurance against sickness and accidents, taking into account existing invalid funds. It may declare participation in these forms of insurance obligatory for all or for certain fixed categories of citizens.

34 (3).<sup>3</sup> The confederation may establish uniform rules in the domain of arts and crafts.

35. The opening of gambling houses is forbidden. Those now existing shall be closed December 31, 1877. Concessions which have been granted or renewed since the beginning of the year 1871 shall be void. The confederation may also take necessary measures concerning lotteries.

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1 Adopted by vote of the people July 5, 1903.

2 Added by vote of the people October 25, 1890.

3 Added by vote by the people July 5, 1903.



36. Throughout Switzerland the postal and telegraph services shall belong to the domain of the federal government. The proceeds of these services shall belong to the federal treasury. The rates shall be fixed on the same principles, and as fairly as possible, in all parts of Switzerland. Inviolable secrecy of letters and telegrams is guaranteed.

37. The confederation shall exercise supervision over the roads and bridges in the maintenance of which it is interested. The sums due to the cantons designated in Article 30, by reason of their international line roads, shall be retained by the federal government if these roads are not suitably kept up by them.

38. The confederation shall exercise all powers included in the sovereign right of coinage. It alone may coin money. It shall establish the monetary system and may make, if there is occasion for them, rules for the valuation of foreign coins.

39.<sup>1</sup> The right to emit bank notes and other paper money shall belong exclusively to the confederation. The confederation may exercise its exclusive right of issuing bank notes by means of a state bank specially administered, or may grant the right, reserving the privilege of re-purchase, to a central joint stock bank which shall be administered with the cooperation and under the control of the confederation. The principal duty of the bank invested with this monopoly shall be to serve in Switzerland as a regulator of the money market and to facilitate monetary transactions. At least two-thirds of the net earnings of the bank, over and above a just interest or dividend upon the capital or capital stock, and after making the necessary payments to the reserve fund, shall come back to the cantons. The bank and its branches shall be exempt from all cantonal taxation. Obligatory acceptance of bank notes and other paper money shall be ordered only in case of necessity in time of war. Federal legislation shall enact provisions relative to the location of the bank, its rules, its organization and the execution of this article in general.

40. The confederation shall establish a system of weights and measures. The cantons shall execute, under the supervision of the confederation, the laws concerning this matter.

41. The manufacture and sale of gunpowder throughout Switzerland shall belong exclusively to the confederation. Blasting powders not suitable for shooting shall not be included in the powder monopoly.

41 (2).<sup>2</sup> The Confederation is authorized to collect stamp taxes on commercial instruments, such as deeds, bills of exchange etc. The detailed arrangements for the collection of stamp taxes will be the subject of a federal law.

42. The expenses of the confederation shall be covered: a. by the income from federal property; b. by the proceeds of the federal import duties collected at the Swiss frontier; c. by the proceeds of the postal and

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- 1 Modified by popular vote October 13, 1891. The original article forbade the creation of a monopoly for the issue of bank notes.
  - 2 Adopted by vote of the people May 13, 1917. American Bar Association Journal - 1917, p. 249.
  - 3 Slightly amended to include new sources of revenue; exact text not available for this translation.



telegraph services; d. by the proceeds of the powder monopoly; e. by half of the gross proceeds of the tax on military exemptions levied by the cantons; f. by contributions from the cantons, which shall be determined by federal legislation, taking account especially of their wealth and taxable resources.

43. Every citizen of a canton is a Swiss citizen. He may, as such, take part, at the place of his residence, in all federal elections and popular votes, after he has duly proved himself a qualified voter. No one may exercise political rights in more than one canton. A Swiss, settled outside his native canton, shall enjoy, in the place of his residence, all the rights of citizens of the canton and commune. Participation in municipal and corporate property and the right to vote in purely municipal affairs shall be excepted from these rights, unless cantonal legislation provides otherwise. In cantonal and communal affairs he shall become an elector after three months' residence. Cantonal laws on settlement and on the electoral rights possessed in communal matters by citizens settled outside their native cantons, shall be subject to the approval of the Federal Council.

44. No canton shall expel from its territory any one of its citizens nor deprive him of the rights derived from his or settlement. Federal legislation shall determine the conditions under which foreigners may be naturalized and those under which a Swiss may renounce his nationality in order to be naturalized in a foreign country.

45. Every Swiss citizen shall have the right to settle anywhere in Swiss territory on the production of a certificate of birth or other similar document. By exception the right of settlement may be refused or withdrawn in the case of those who, as a result of conviction of crime, do not enjoy civic rights. The right of settlement may further be withdrawn in the case of those who have been repeatedly punished for serious misdemeanors or who permanently become public charges and to whom the commune or canton of their origin refuse sufficient assistance after having been officially invited to grant it. In the cantons where relief is given at the place of residence, in the case of citizens of the canton, permission to settle may be made subject to the condition that they be able to work, and that they have not become permanent public charges at their former place of residence in the canton of their origin. Every expulsion on account of poverty must be approved by the government of the canton of residence, and be previously communicated to the canton of origin. The canton in which a Swiss establishes his residence may not require of him any security, nor impose upon him any special charge for such settlement. Likewise, communes may not impose upon Swiss residing in their territory, other taxes than those which they impose upon their own citizens. A federal law shall establish the maximum fee to be paid for a permit to settle.

46. Persons settled in Switzerland shall be subject, as a rule, to the judicial and legislative authority of their place of residence as far as the relations of civil law are concerned. Federal legislation shall enact the provisions necessary for the application of this principle and to prevent double taxation of a citizen.

47. A federal law shall determine the difference between settlement and temporary residence and establish at the same time the rules as to their political and civil rights to which Swiss in temporary residence shall be subject.



48. A federal law shall establish the provisions necessary to regulate matters relative to the expenses of illness and burial of poor citizens of one canton ill or deceased in another.

49. Liberty of conscience and belief is inviolable. No one may be compelled to join a religious society, to attend religious instruction, to perform a religious rite, nor to incur punishment of any nature whatever on account of religious opinion. The person who exercises the authority of parent or guardian has the right to provide, conformably to the above principles, for the religious education of children up to the age of sixteen. The exercise of civil and political rights shall not be limited by any rules or conditions of an ecclesiastical or religious nature whatsoever. No one may, because of his religious opinion, free himself from the fulfillment of a civic duty. No one shall be required to pay taxes the proceeds of which are specifically allocated to the expenses, properly so-called, of the worship of a religious body to which he does not belong. The further execution of this principle is reserved for federal legislation.

50. The free exercise of religion is guaranteed within limits compatible with public order and good morals. The cantons and the confederation may take measures necessary to maintain public order and peace as between the members of different religious communions, and against the encroachments of ecclesiastical authorities on the rights of citizens. Controversies in the fields of public or private law arising from the creation or division of religious bodies may be brought before the competent federal authorities on appeal. Bishopricks cannot be erected on Swiss territory without the approval of the confederation.

51. The order of Jesuits and the societies affiliated with it shall not be admitted to any part of Switzerland and all activity in church or in school is forbidden to their members. This prohibition may be extended by federal decree to other religious orders whose activities are dangerous to the state or disturb the peace between faiths.

52. The foundation of new convents or religious orders or the re-establishment of those which have been suppressed is forbidden.

53. The civil status (*état civil*)<sup>1</sup> and the keeping of the registers appertaining thereto shall belong to the civil authorities. Federal legislation shall make further provisions on this subject. The control of burial places shall belong to the civil authorities. They must provide that every deceased person may be decently buried.

54. The right of marriage is placed under the protection of the confederation. No restriction on marriage may be based on denominational motives, on the poverty of either of the parties, on their conduct, nor on any other police consideration whatever. A marriage concluded in a canton or a foreign country conformably to the legislation which is in force there shall be valid throughout the confederation. The wife acquires by marriage the citizenship and municipal membership<sup>2</sup> of her husband. Children born

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1 A record of each individual from birth.

2 *Droit de bourgeoisie* (German *bürgerlicher recht*) means admission to full membership in the municipal community.





before marriage are legitimized by the subsequent marriage of their parents. There shall not be levied any tax on marriage nor any similar tax on either spouse.

55. The liberty of the press is guaranteed. Nevertheless cantonal laws shall determine the measures necessary for the repression of abuses; these laws shall be subject to the approval of the Federal Council. The confederation may also establish penalties to repress abuses directed against itself or its authorities.

56. Citizens shall have the right to form associations, provided that there be, in the object of these associations or in the means which they employ, nothing illicit or dangerous to the state. Cantonal laws shall determine the measures necessary for the repression of abuses.

57. The right of petition is guaranteed.

58. No person may be withdrawn from the jurisdiction of his natural judge. Consequently extraordinary tribunals may not be established. Ecclesiastical jurisdiction is abolished.

59. In claims of a personal nature, a solvent debtor domiciled in Switzerland must be sued before the judge of his domicile; consequently his property may not be seized or sequestered outside the canton where he is domiciled in an action for a personal claim. Reservation is made, in matters concerning foreigners, of the provisions of international treaties. Imprisonment for debt is abolished.

60. All the cantons shall treat the citizens of the other confederated states like their own in matters of legislation and judicial proceedings.

61. Final judgments in civil cases rendered in one canton shall be enforceable throughout Switzerland.

62. The duty on property going out of one canton into another is abolished<sup>1</sup> as well as the right of first purchase<sup>2</sup> on the part of citizens of one canton as against those of the other confederated states.

63. The duty on property going to foreign countries shall be abolished on condition of reciprocity.

64. Legislation on civil capacity, on all matters of law relating to commerce and to transactions in personal property (the law of obligations including commercial law and the law of commercial paper), on literary and artistic property, on the protection of inventions applicable to industry including designs and models<sup>3</sup>, on the collection of debts and bankruptcy, shall belong to the confederation. The confederation shall legislate also on other matters of civil law<sup>4</sup>. Judicial organization, judicial procedure and

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1 Traite foraine (German Abzugsrecht) a tax on property leaving the canton either with a departing owner or to go to heirs.

2 Droit de retrait (German zugrecht).

3 As amended by popular vote March 16, 1905.

4 Added by popular vote November 13, 1893. A civil code was adopted in 1907 and went into force January 1, 1912.



the administration of justice shall remain in the hands of the cantons in the same measure as in the past<sup>1</sup>.

64 (2).<sup>2</sup> The confederation may legislate on matters of criminal law. Judicial organization, judicial procedure and the administration of justice shall remain in the hands of the cantons in the same measure as in the past. The confederation may grant subventions to the canton for the construction of penitentiaries, industrial and correctional institutions and for reforms to be realized in the administration of punishment. It may also lend it cooperation to institutions for the protection of abandoned children.

65. Condemnation to death shall not be pronounced for a political offense.<sup>3</sup> Corporal punishment is forbidden.

66. Federal legislation shall establish the conditions under which a Swiss citizen may be deprived of his political rights.

67. Federal legislation shall determine the rules for the extradition of accused persons from one canton to another; nevertheless extradition may not be made obligatory for political offenses and those relating to the press.

68. The measures to be taken for giving citizenship to those without a country (heimatlosen), and to prevent new cases of this sort, shall be determined by federal law.

69.<sup>4</sup> The Confederation may take measures thru legislation to combat transmissible maladies, maladies which are widespread, and those specially dangerous to man and beast.

69 (2).<sup>5</sup> The confederation may legislate:- a. on trade in food products; b. on trade in other household and useable articles in so far as they may endanger health or life. The laws enacted in these fields shall be executed by the cantons under the supervision and with the financial support of the confederation. The control of importation at the national frontier shall belong to the confederation.

70. The confederation may expel from its territory foreigners who compromise the internal or external safety of Switzerland.

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1 Added by popular vote November 13, 1898.

2 Added by popular vote November 13, 1898.

3 Modified by popular vote May 16, 1879. The original article forbade capital punishment except for military crimes in time of war.

4 Amended by vote of the people May 4, 1913. American Far Association Journal 1914, p. 191.

5 Added by vote of the people July 11, 1897.



## CHAPTER II. FEDERAL AUTHORITIES.

### 1. Federal Assembly.

71. Subject to the rights of the people and of the cantons (Articles 89 and 121), the supreme authority of the confederation shall be exercised by the Federal Assembly which is composed of two sections or councils, to-wit: A. The National Council; B. The Council of States.

#### A. National Council.

72. The National Council shall be composed of deputies of the Swiss people, elected one member for each 20,000 souls of the whole population. Fractions above 10,000 shall be counted as 20,000. Each canton, and in the divided cantons each half canton, shall elect at least one deputy.

73.<sup>1</sup> The elections for the National Council shall be direct. They shall take place in accordance with the principle of proportional representation, each canton or half canton forming an electoral division. Appropriate regulations shall be provided by federal legislation.

74. Every Swiss, twenty years of age who has not been excluded from the rights of an active citizen by the law of the canton in which he has his domicile, shall have the right to take part in elections and popular votes. Nevertheless, federal legislation may regulate in a uniform manner the exercise of this right.

75. Every Swiss lay citizen who has the right to vote shall be eligible as a member of the National Council.

76. The National Council shall be elected for three years and renewed as a whole at each election.

77. Representatives in the Council of States, members of the Federal Council and the officers appointed by that Council shall not be simultaneously members of the National Council.

78. The National Council shall choose from its own number, for each ordinary or extraordinary session, a president and vice-president. The member who has been president during an ordinary session shall not, at the next ordinary session, assume that office nor that of vice-president. The same person shall not be vice-president during two consecutive sessions. When opinions are equally divided the president shall have a casting vote; in elections he shall vote in the same manner as the other members.

79. The members of the National Council shall be paid from the federal treasury.

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1 Amended by vote of the people Oct. 13, 1916. Up to that time a system of election by single member districts prevailed. American Bar Association Journal 1919, p. 307.



## B. Council of States.

80. The Council of States shall be composed of forty-four representatives of the cantons. Each canton shall appoint two representatives; in the divided cantons each half canton shall choose one.

81. Members of the National Council and of the Federal Council shall not be representatives in the Council of States.

82. The Council of States shall choose from its own number, for each ordinary or extraordinary session, a president and a vice-president. Neither the president nor the vice-president shall be chosen from among the representatives of the canton from which the president for the ordinary session immediately preceding was chosen. Representatives of the same canton shall not assume the office of vice-president during two consecutive ordinary sessions. When opinions are equally divided the president shall have a casting vote; in elections he shall vote in the same manner as other members.

## C. Powers of the Federal Assembly.

84. The National Council and the Council of States shall have power over all the matters which this constitution places within the competence of the confederation and which are not assigned to any other federal authority.

85. The matters within the competence of the two Councils shall be especially the following: 1. Laws on the organization and method of election of federal authorities; 2. Laws and ordinances on matters which the constitution places within federal competence; 3. The salary and compensation of the members of governing bodies of the confederation and of the federal chancery; the creation of permanent federal offices and the determination of the salaries belonging thereto; 4. The election of the Federal Council, of the Federal Tribunal and of the Chancellor as well as of the general in chief of the federal army; federal legislation may give to the Federal Assembly other powers of election and confirmation; 5. Alliances and treaties with foreign states as well as the approval of treaties made by the cantons among themselves or with foreign states; nevertheless, cantonal treaties shall be laid before the Federal Assembly only when the Federal Council or another canton demands it; 6. Measures for the external safety and for the maintenance of the independence and neutrality of Switzerland; declarations of war and treaties of peace; 7. The guarantee of the constitutions and territory of the cantons; intervention in consequence of this guarantee; measures for the internal safety of Switzerland and for the maintenance of tranquility and order; amnesty and pardon; 8. Measures to cause the federal constitution to be respected and to enforce the guarantee of the cantonal constitutions as well as those intended to secure the fulfillment of federal obligations; 9. The power of controlling the federal army; 10. The determination of the annual budget, the approval of federal accounts, and ordinances authorizing loans; 11. Supervision of the administration of federal justice; 12. Appeals from the decisions of the Federal Council relative to administrative disputes (Article 113); 13. Conflicts of competence between federal authorities; 14. Revision of the federal constitution.

86. The two Councils shall meet once each year, in ordinary session, on a day fixed by rule. They may be convoked in extraordinary session by the





Federal Council, either on the demand of one quarter of the members of the National Council or on that of five cantons.

87. Neither council shall transact business unless the representatives present form an absolute majority of the whole number of its members.

88. In the National Council and in the Council of States decisions shall be made by an absolute majority of those voting.

89. Federal laws and federal decrees and ordinances shall not be enacted without the agreement of the councils. Federal laws shall be submitted to adoption or rejection by the people, if demand is made by 30,000 active citizens or by eight cantons. The same shall be true of federal ordinances which have a general application or which are not of an urgent character.

90. Federal legislation shall determine the formalities and delays to be observed in popular votes.

91. The members of the two councils shall vote without instructions.

92. Each council shall deliberate separately. Nevertheless, in the case of the elections mentioned in Article 85, figure 4, of the exercise of the right of pardon, or of a decision on a conflict of jurisdiction (Article 85, figure 13), the two councils shall meet together under the direction of the president of the National Council, and the decision shall be reached by majority vote of the members of both councils.

93. The right of initiating measures shall belong to each of the two councils and to each of their members. The cantons may exercise the same right by correspondence.

94. As a rule the sessions of the two councils shall be public.

## II. Federal Council.

95. The superior directive and executive authority of the confederation shall be exercised by a Federal Council of seven members.

96. The members of the Federal Council shall be appointed for three years by the joint councils from among all Swiss citizens eligible to the National Council. They shall, nevertheless, not choose more than one member of the Federal Council from the same canton. The Federal Council shall be renewed as a whole after each election of the National Council. Vacancies which occur during the three year period shall be filled at the first session of the Federal Assembly for the remainder of the term.

97. Members of the Federal Council shall not during their term assume any other employment either in the service of the confederation or of a canton, nor follow another calling, nor practise a profession.

98. The Federal Council shall be presided over by the president of the confederation. There shall be a vice-president. The president of the confederation and the vice-president of the Federal Council shall be appointed for one year by the Federal Assembly from among the members of the council.



The retiring president shall not be elected president or vice-president for the following year. The same member shall not fill the position of vice-president during two successive years.

99. The president of the confederation and the other members of the Federal Council shall receive an annual salary from the federal treasury.

100. The Federal Council may act only when at least four members are present.

101. The members of the Federal Council shall have a consultative voice in the proceedings of both sections of the Federal Assembly, as well as the right to make motions with regard to matters under discussion.

102. The powers and duties of the Federal Council, within the limits of this constitution, shall be especially as follows: 1. It shall direct federal affairs conformably to the laws and ordinances of the confederation. 2. It shall watch over the observance of the constitution, laws and ordinances of the confederation as well as of the provisions of federal agreements; it shall take, on its own initiative or on complaint, the measures necessary to enforce them, when the appeal is not one of those which must be brought before the Federal Tribunal according to Article 115. 3. It shall watch over the guarantee of the cantonal constitutions. 4. It shall present proposed laws or ordinances to the Federal Assembly and gives its opinion on the propositions which are submitted to it by the councils or the cantons. 5. It shall provide for the execution of the laws and ordinances of the confederation, the judgments of the Federal Tribunal and compromises or arbitral sentences upon disputes between cantons. 6. It shall make appointments which are not assigned to the Federal Assembly, the Federal Tribunal or other authority. 7. It shall examine the treaties of cantons among themselves or with foreign states, and approves them, if proper (Article 85, figure 5). 8. It shall watch over the external relations of the confederation, especially the observance of its international relations, and shall be, in general, charged with its foreign affairs. 9. It shall watch over the external safety of Switzerland, and over the maintenance of its independence and neutrality. 10. It shall watch over the internal security of the confederation and over the maintenance of tranquility and order. 11. In case of emergency and when the Federal Assembly is not in session, the Federal Council shall be authorized to raise necessary troops and direct them, provided that it immediately convoke the councils if the number of troops raised exceeds 2,000 men, or if they remain on foot for more than three weeks. 12. It shall be charged with everything relating to the federal military force as well as with all other branches of administration which belong to the confederation. 13. It shall examine the laws and ordinances of the cantons which must be submitted for its approval; it shall supervise the branches of cantonal administration which are placed under its control. 14. It shall administer the finances of the confederation, propose the budget and render an account of receipts and expenses. 15. It shall supervise the conduct of all officers and employees of the federal administration. 16. It shall render account of its conduct to the Federal Assembly at each ordinary session, present to it a report on the internal and external situation of the confederation and recommend to its attention measures which it believes useful in increasing the common prosperity. It also shall make special reports on the demand of the Federal Assembly or either of its sections.



103. The business of the Federal Council shall be distributed by departments among its members. This division shall be solely for the purpose of facilitating the consideration and dispatch of business; decisions shall be made by the Federal Council as a body.

104. The Federal Council and its departments shall be authorized to employ experts for special purposes.

### III. Federal Chancery.

105. A federal chancery, at the head of which shall be the Chancellor of the confederation, shall be charged with the secretarial work of the Federal Assembly and the Federal Council. The Chancellor shall be elected by the Federal Assembly for a term of three years at the same time as the Federal Council. The Chancery shall be under the special supervision of the Federal Council. A federal law shall determine the organization of the Chancery.

### IV. Federal Tribunal.

106. There shall be a Federal Tribunal for the administration of justice in federal matters. There shall be, further, a jury for criminal cases (Article 112).

107. The members and alternates of the Federal Tribunal shall be appointed by the Federal Assembly, which shall take that the three national languages are represented thereon. The organization of the Federal Tribunal and its sections, the number of its members and alternates, their term of office and their salaries, shall be determined by law.

108. Every Swiss citizen eligible to the National Council may be appointed to the Federal Tribunal. Members of the Federal Assembly and of the Federal Council and officers appointed by these authorities shall not at the same time be members of the Federal Tribunal. Members of the Federal Tribunal shall, during their term, fill no other office either in the service of the confederation or of a canton, nor follow another calling, nor practice a profession.

109. The Federal Tribunal shall organize its own secretarial force (chancellerie) and appoint its personnel.

110. The Federal Tribunal shall have jurisdiction of civil suits:  
1. Between the confederation and the cantons; 2. Between the confederation on the one side and corporations or individuals on the other, when these corporations or individuals are plaintiffs and when the litigation attains a degree of importance which federal legislation shall determine; 3. Between cantons; 4. Between cantons on the one side and corporations or individuals on the other when one of the parties demands it and when litigation attains a degree of importance which federal legislation shall determine. It shall have jurisdiction further in cases concerning persons without a government (heimatlosat) as well as of controversies which arise between communes of different cantons touching the right of citizenship.



111. The tribunal shall be required to decide other cases when the parties agree to put them into its hands, and when the matter in litigation attains a degree of importance which federal legislation shall determine.

112. The Federal Tribunal assisted by the jury, which shall decide on questions of the fact, shall have criminal jurisdiction: 1. Of cases of high treason towards the confederation and of revolt or violence against the federal authorities; 2. Of crimes and offenses against the law of nations; 3. Of political crimes and offenses which are the cause or the result of disturbances by which federal armed intervention is occasioned; 4. Of charges against officers appointed by a federal authority when that authority gives the Federal Tribunal jurisdiction over them.

113. The Federal Tribunal shall have jurisdiction also. 1. Of conflicts of competence between federal and cantonal authorities; 2. Of cases between cantons when these cases are within the field of public law; 3. Of complaints of the violation of the constitutional rights of citizens, and of complaints of private individuals of the violation of concordats and treaties. Reservation shall be made of administrative cases which shall be settled in accordance with federal legislation. In all the aforementioned cases, the Federal Tribunal shall apply the laws voted by the Federal Assembly, and the ordinances of that Assembly which have a general bearing. It shall likewise conform to the treaties which the Federal Assembly shall have ratified.

114. In addition to the cases mentioned in Articles 110, 112 and 113, federal legislation may place other matters within the jurisdiction of the Federal Tribunal: it may, in particular, give to that tribunal powers intended to assure the uniform application of the laws provided for in Article 64.

114 (2). <sup>1</sup>In accordance with the provisions given in Article 114 there is instituted a Federal Administrative Court. The jurisdiction of the court will form the subject of a Federal law.

#### V. Miscellaneous Provisions.

115. Everything relating to the location of the authorities of the confederation shall be a matter for federal legislation.

116. The three principal languages spoken in Switzerland, German, French and Italian, shall be the national languages of the confederation.

117. The officers of the confederation shall be responsible for their conduct. A federal law shall determine the method of enforcing this responsibility.

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<sup>1</sup> Adopted by vote of the people October 25, 1914. American Bar Association Journal 1915, p. 169.





### CHAPTER III. REVISION OF THE FEDERAL CONSTITUTION.<sup>1</sup>

118. The federal constitution may be amended at any time as a whole or partially.

119. Total revision shall take place in accordance with the forms prescribed for federal legislation.

120. When one section of the Federal Assembly shall resolve in favor of the total revision of the constitution and the other section does not consent thereto, or when fifty thousand Swiss citizens with the right to vote demand total revision, the question as to whether the federal constitution should be revised is in either case submitted to a vote of the Swiss people, voting yes or no. If in either case the majority of citizens voting pronounce in the affirmative, the two Councils shall be elected anew for the work of revision.

121. Partial revision may take place either by way of popular initiative or according to the forms prescribed for federal legislation. Popular initiative shall consist of a petition presented by fifty thousand Swiss citizens, possessing the right to vote, demanding the adoption of a new article of the constitution or the repeal or modification of specified articles of the constitution now in force. If several different matters are presented by popular initiative for revision or for introduction into the federal constitution, each of them must be the object of a separate initiative petition. The initiative petition may take the form of a proposition conceived in merely general terms, or that of a completed measure. When the initiative petition is conceived in general terms, the federal chambers, if they approve, shall proceed to make a partial revision in the direction indicated, and shall submit the measure to the adoption or rejection of the people and the cantons. If, on the contrary, they do not approve, the question of partial revision shall be submitted to the vote of the people; if the majority of Swiss citizens taking part in the election pronounce in the affirmative the Federal Assembly shall proceed with the revision in conformity with the popular decision. When the petition takes the form of a completed measure, it shall be submitted to the adoption or rejection of the people and of the cantons. If the Federal Assembly is not in agreement with the measure, it may prepare a distinct measure of its own, or recommend to the people the rejection of the proposed measure, and submit its substitute or its proposition of rejection at the same time with the measure proposed by popular initiative.

122. A federal law shall determine the formalities to be observed in popular initiative petitions and in popular votes relative to the amendment of the federal constitution.

123. The revised constitution, or portion revised, shall go into effect when it has been accepted by the majority of the Swiss citizens taking part in the election and by the majority of the cantons. In determining the

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1 Revised July 5, 1891 by substituting present chapter for original articles 118-121. The significant change was the extension of the "initiative" to partial revisions of the constitution.



majority of the cantons, the vote of a half canton shall be counted as half a vote. The result of the popular vote in each canton shall be considered as the vote of the canton.

Temporary Provisions.

These provisions have no present significance and are therefore omitted from this translation. See Arete, F.R. - Constitutions Modernes, Vol. I, pp. 567-569, and Dodd, W.F. - Modern Constitutions, Vol. II, pp. 289-290. On June 6, 1915 another temporary provision was added as follows: With the view of partially providing for expenditures incurred by the mobilization of the Swiss Army during the European war, the Confederation may lay a war-tax, not renewable.<sup>1</sup>

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1 American Bar Association Journal 1916, p. 231.

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